

India, Bangladesh, Egypt call for TRIPS review with focus on development

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Following the WTO's 13th Ministerial Conference in Abu Dhabi, which failed to extend the temporary waiver of certain intellectual property rights (TRIPS) to the production of Covid-19 related therapeutics and diagnostics, India, together with Bangladesh, Colombia and Egypt, have given a joint call at the WTO for review of the TRIPS Agreement with focus on development dimension, technology transfer and other concerns of developing countries building on the lessons learned during the pandemic.

"We, keeping in mind the upcoming 30th anniversary of the TRIPS Agreement, call upon the Council for TRIPS to undertake and finalise its first review under Article 71 on the implementation of the TRIPS Agreement...shall take fully into account the development dimension and shall provide a report on the progress made, including any recommendations, to the Ministers at the 14th Ministerial Conference," the submission stated.

TRIPS AGREEMENT

The TRIPS Agreement came into effect on January 1, 1995,



and sets out the minimum standards of intellectual rights protection to be provided by each WTO Member.

One of the primary tasks of India and the others in their submission is fast-tracking of the long-pursued examination of the relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD) and the protection of traditional knowledge and folklore.

While the CBD recognises countries' sovereign rights over their biological resources, the TRIPS Agreement allows members to provide patents over biological resources (plants, animals and micro-organisms). India and several other developing nations have been long demanding changes in the TRIPS Agreement to bring it in conformity with the CBD and have rules that prevent bio-piracy and protect traditional knowledge.

"Pursuant to paragraph 19 of the Doha Ministerial Declara-

tion, we request the Council for TRIPS to expedite ongoing work to examine the relationship between the TRIPS Agreement and the Convention on Biological Diversity and the protection of traditional knowledge and folklore.

Although the WTO MC13 failed to extend TRIPS waiver on vaccines to therapeutics and diagnostics, the declaration stated that work should continue in relevant WTO bodies based on Members' submissions to review and build on all the lessons learned and the challenges experienced during the Covid-19 pandemic. This should be done to build effective solutions in case of future pandemics in an expeditious manner, it said.

INDIA'S SUBMISSION

India's submission called upon the TRIPS Council to examine the TRIPS Agreement, the Doha Declaration on the TRIPS Agreement and Public Health of 2001, and the Ministerial Decision on the TRIPS Agreement of 2022. The aim was to review and build on the lessons learned during Covid-19, with the aim of addressing the concerns of developing countries, including LDCs, in the context of health emergencies, including pandemics.

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